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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re ROBERT M., a Person Coming Under
the Juvenile Court Law.

SAN DIEGO COUNTY HEALTH AND
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

CHARITY M. et al.,

Defendants and Appellants.

D053501

(Super. Ct. No. NJ13640)

APPEAL from a judgment of the Superior Court of San Diego County, Harry M. Elias, Judge. Reversed and remanded with directions.

In March 2007 when Robert M. was six years old, the San Diego County Health and Human Services Agency (the Agency) filed a dependency petition because there was methamphetamine in the family home accessible to him. Robert was detained and then

placed in foster care. In April he was moved to the home of a relative who wished to adopt him. In July 2008 the juvenile court terminated the rights of Robert's parents, Charity M. and T.S., and ordered a permanent plan of adoption.

Charity and T.S. appeal, contending the juvenile court erred by declining to apply the beneficial relationship exception to termination of parental rights (Welf. & Inst. Code, § 366.26, subd. (c)(1)(B)(i)). Charity also contends the adoptability finding is unsupported by substantial evidence. The Agency concedes the need for reversal, stating it is no longer able to approve Robert's caregiver for adoption or guardianship and it would be detrimental to Robert to remove him from the caregiver's home. Counsel for Charity, T.S., Robert, and the Agency have filed a stipulation for immediate issuance of the remittitur, which we accept. (Cal. Rules of Court, rule 8.272(c)(1).)

DISPOSITION

The judgment is reversed. The remittitur is to issue forthwith.

McCONNELL, P. J.

WE CONCUR:

HALLER, J.

IRION, J.